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SJC-13186

CHRIS C. STREETER vs. CHIEF JUSTICE OF THE PROBATE AND FAMILY COURT.

March 8, 2022.

Supreme Judicial Court, Superintendence of inferior courts.

Chris C. Streeter appeals from a judgment of the county court denying, without a hearing, her petition for relief under G. L. c. 211, § 3. In her petition, Streeter sought relief pertaining to several cases pending in the Probate and Family Court, specifically, an order that the Chief Justice of that court assign one or more judges to address outstanding issues in those cases. We need not belabor the details of the cases; it suffices to say that Streeter has filed numerous motions that remain outstanding. Her petition was apparently intended to spur action on her motions, not to challenge any particular interlocutory ruling.¹ We affirm the judgment denying relief.

¹ Streeter has filed, in the full court, a document styled as a "petition for extraordinary relief." It is unclear whether she intended this as a memorandum pursuant to S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001). That rule requires a party challenging an interlocutory ruling of the trial court to "set forth the reasons why review of the trial court decision cannot adequately be obtained on appeal from any final adverse judgment in the trial court or by other available means." Because it appears that Streeter is not challenging any interlocutory ruling, but seeking action on her outstanding motions, the rule does not apply.

We note as well that instead of preparing a record appendix, Streeter has submitted some ninety separate documents, mostly copies of dockets and other papers from her Probate and

"Relief under G. L. c. 211, § 3, 'is extraordinary and will be exercised only in the most exceptional circumstances.' . . . Accordingly, we review the single justice's decision for abuse of discretion or clear error of law." Perrier v. Commonwealth, 489 Mass. 28, 30 (2022), quoting Matthews v. Appeals Court, 444 Mass. 1007, 1008 (2005). Streeter has not established any abuse of discretion or error of law, as she has not shown any entitlement to the order that she seeks. The single justice was not obligated to intercede in the Probate and Family Court's management of the protracted litigation in which Streeter has been engaged, particularly where the record does not demonstrate that she has pursued all available measures to obtain action on her motions, such as bringing the delay to the attention of the Chief Justice of the Trial Court. See, e.g., Skandha v. Clerk of the Superior Court for Civil Business in Suffolk County, 472 Mass. 1017, 1018 (2015), citing Zatsky v. Zatsky, 36 Mass. App. Ct. 7, 12 (1994); Matthews v. D'Arcy, 425 Mass. 1021, 1022 (1997). "[N]o party . . . should expect this court to exercise its extraordinary power of general superintendence lightly." Randolph v. Commonwealth, 488 Mass. 1, 7 (2021), quoting Aroian v. Commonwealth, 483 Mass. 1008, 1009 (2019). Relief under G. L. c. 211, § 3, was properly denied.²

Judgment affirmed.

The case was submitted on the papers filed, accompanied by a memorandum of law.

Chris C. Streeter, pro se.

Family Court cases. It was incumbent on her, as the appellant, to "prepare and file an appendix to the briefs which shall be separately bound." Mass. R. A. P. 18 (a), as appearing in 481 Mass. 1637 (2019).

² In her petition, Streeter did not "name as respondents and make service upon all parties to the proceeding before the lower court," as required by S.J.C. Rule 2:22, 422 Mass. 1302 (1996). This presents a further reason not to disturb the denial of relief.